

REMARKS

Reconsideration of this application, as amended, is respectfully requested.

Initially, the Applicants would like to thank the Examiner for the indication that claims 2-28, 33-38, 44 and 47-55 are allowed and claims 29-32, 39-43, 45 and 45 are allowable.

In the Official Action, the Examiner rejects claims 29-32, 39-43, 45 and 46 under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 29, the Examiner argues that it is unclear how the optical probe scans “just” an optical fiber. Furthermore, the Examiner argues that it is also unclear how the two sets of parallel plate structures are incorporated into the two-dimensional scanner. The Examiner has the same argument as to claim 30. With regard to the term “only” the same has been deleted. With regard to the two sets of parallel plate structures, claims 29 and 30 have been amended to recite that “the two-dimensional scanner is operatively connected to the optical fiber and has a first set of parallel plate structures (16a, 16c) for scanning in a first direction and a second set of parallel plate structures (16b, 16d) for scanning in a second direction.” Dependent claims 31 and 32 have also been amended to be consistent with amended claims 29 and 30.

With regard to claims 39-43, 45 and 46, the same have been amended to change “the fixed part” and “the signal line” to --a fixed part-- and --a signal line--, respectively.

Accordingly, it is respectfully requested that the rejection of claims 29-32, 39-43, 45 and 46 under 35 U.S.C. § 112, second paragraph, be withdrawn.

In the Official Action, the Examiner rejects claim 1 under 35 U.S.C. § 102(b) as being anticipated by WO 99/27865 to Koivisto et al., (hereinafter “Koivisto”).

In response, Applicants respectfully traverse the Examiner’s rejection under 35 U.S.C. § 102(b) for at least the reasons set forth below.

While Koivisto appears to disclose a dental unit (3) that can detect a type of device (10, 25) connected thereto and where one of the devices (10) is an imaging means, Koivisto does not disclose or suggest “controlling the scanning components in the optical scanning probe according to the type of the optical scanning probe recognized by the recognition component,” as recited in claim 1.

Thus, with regard to the rejection of claim 1 under 35 U.S.C. § 102(b), an optical scanning probe system having the features discussed above and as recited in independent claim 1 is nowhere disclosed in Koivisto. Since it has been decided that “anticipation requires the presence in a single prior art reference, disclosure of each and every element of the claimed invention, arranged as in the claim,”¹ independent claim 1 is not anticipated by Koivisto. Accordingly, independent claim 1 patentably distinguishes over Koivisto and is allowable. Consequently, the Examiner is respectfully requested to withdraw the rejection of claim 1 under 35 U.S.C. § 102(b).

In view of the above, it is respectfully submitted that this application is in condition for allowance. Accordingly, it is respectfully requested that this application be

¹ Lindeman Maschinenfabrik GMBH v. American Hoist and Derrick Company, 730 F.2d 1452, 1458; 221 U.S.P.Q. 481, 485 (Fed. Cir., 1984).

allowed and a Notice of Allowance issued. If the Examiner believes that a telephone conference with Applicant's attorneys would be advantageous to the disposition of this case, the Examiner is requested to telephone the undersigned.

Respectfully submitted,



Paul J. Esatto, Jr.

Registration No.: 30,749

Scully, Scott, Murphy & Presser, P.C.
400 Garden City Plaza, Suite 300
Garden City, New York 11530
(516) 742-4343
TS:jam/cm